

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CONNECTU, INC., CAMERON
WINKLEVOSS, TYLER WINKLEVOSS,
AND DIVYA NARENDRA,

Plaintiffs,

v.

FACEBOOK, INC., MARK ZUCKERBERG,
EDUARDO SAVERIN, DUSTIN
MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, AND
THEFACEBOOK LLC,

Defendants.

CIVIL ACTION NO. 1:04-cv-11923 (DPW)

Related Action No. 1:07-cv-10593 (DPW)

FILED
IN CLERKS OFFICE
2008 DEC 15 A 11:56
U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION TO DISMISS

Plaintiffs ConnectU, Inc., Cameron Winklevoss, Tyler Winklevoss and Divya Narendra ("Plaintiffs"), under protest and subject to their rights of appeal, move to dismiss with prejudice all claims against The Facebook, Inc. and Mark Zuckerberg in this action, *Civil Action No. 1:04-cv-11923 (DPW)*, and in the related action, *Civil Action No. 1:07-cv-10593 (DPW)* (together, the "Massachusetts Actions"), in compliance with the Judgment Enforcing Settlement Agreement ("Judgment") entered on July 2, 2008, by the Honorable James Ware, United States District Court for the Northern District of California, in *Facebook, Inc. and Mark Zuckerberg v. ConnectU, Inc., et al.*, Case No. 5:07-cv-01389-JW ("California Action"), now on appeal to the United States Court of Appeals for the Ninth Circuit.

Plaintiffs do not waive or relinquish any rights to appeal, or to pursue the claims that are the subject of the Massachusetts Actions if the appeal is successful, or to object

to any motion or request to Judge Ware to order this motion filed prior to final disposition of such appeal and to appeal from any such order.

Each party shall bear its own attorneys fees and costs.

DATED: August 27, 2008

Respectfully submitted,

John F. Hornick / By *Permission DME*

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